IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1737 OF 2005

Sitabai Bapu Korgaonkar ..Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. F.A. Mulla for the petitioner.
Mr. V.M. Phal, Assistant Government Pleader, for respondent Nos. 1, 2 and 3.

CORAM: **DALVEER BHANDARI, C.J.** & **S.J. VAZIFDAR, J.**

DATE: **SEPTEMBER 26, 2005**.

P.C.

The petitioner has filed this petition with the prayer that allotment of shop No.1 made in favour of respondent No.4 in the newly reconstructed building known as “Gayatri Sadan” situate at Keshavrao Khade Marg, Saat Rasta, Mumbai-400 011, be cancelled and the same be allotted to the petitioner within one week.

2. Pursuant to the show cause notice issued by this Court, respondent No.2, Estate Manager, MHADA, filed an affidavit in this Court. In the affidavit it is indicated that the petitioner's shop was admeasuring 258.50 sq.ft. in the old building and accordingly shop No.2

in the new building has been kept for the petitioner, but the petitioner has till date not submitted any documents to claim possession of the said shop No.2. The learned counsel appearing for the petitioner submits that the petitioner has lost relevant documents. In this view of the matter, it is difficult for this Court to pass any order in favour of the petitioner. However, we give liberty to the petitioner to approach respondent No.2. We hope and trust that respondent No.2 would sympathetically consider the case of the petitioner and take action in accordance with law. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.